IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

PATRICIA B. MILLS,)
ADMINISTRATOR OF THE ESTATE) Case No. 4:05-CV-00059
OF BRIAN LEE MILLS, DECEDENT)
)
) ORDER
Plaintiff,)
)
V.) By: Jackson L. Kiser
) Senior United States District Judge
TERRENCE D. SANDERS, AND)
SCHNEIDER NATIONAL CARRIERS,)
INC.)
)
Defendants.)

On December 30, 2005 the Defendants in this case filed a *Motion for Summary Judgment* [24]. A *Pretrial Order* [10] in this case was signed by this Court on October 20, 2005. The fourth paragraph of the *Pretrial Order* allows the Plaintiff fourteen days to respond to the *Defendants' Motion for Summary Judgment*. The fourth paragraph of the *Pretrial Order* also states: "EXCEPT FOR GOOD CAUSE SHOWN, IF BRIEFS IN OPPOSITION TO THE MOTIONS ARE NOT FILED, IT WILL BE DEEMED THAT THE MOTION IS WELL TAKEN."

The Defendants filed a letter [26] with this Court on January 20, 2006, well after the time in which the *Pretrial Order* required a response from the Plaintiff, and sent copies to the Plaintiff's counsel. In its letter, the Defendants requested that this Court accept the *Defendants' Motion for Summary Judgment* as well taken and grant the *Motion*.

It is hereby **ordered**, in compliance with the *Pretrial Order*, that this Court will accept

the *Defendants' Motion for Summary Judgment* as well taken and grant the *Motion* unless the Defendants file a memorandum with this Court within fourteen days of the docketing of this *Order* showing good cause for not complying with the *Pretrial Order*.

The Clerk of the Court is hereby directed to send a certified copy of this *Order* to all counsel of record.

Entered this 1^{st} day of February, 2006.

s/Jackson L. Kiser

Senior United States District Judge